

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

93-cr-379

FERNANDO RAMIREZ-ZAPATA,

Defendant.

THOMAS J. McAVOY
Senior United States District Judge

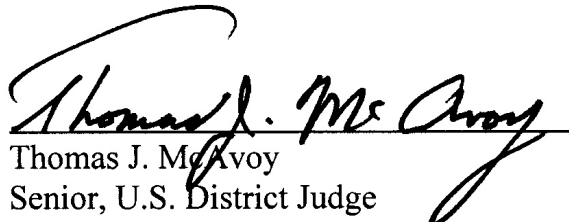
DECISION and ORDER

This matter has been remanded by the Second Circuit Court of Appeals for re-sentencing. Defendant was originally sentenced to a term of imprisonment of 235 months. The matter was remanded for re-sentencing pursuant to United States v. Crosby, 397 F3d 103 (2d Cir. 2005).

The Court has considered the parties' briefs upon re-sentencing and the original papers submitted to the Court in connection with sentencing. Having considered the factors in 18 U.S.C. § 3553, the Sentencing Guidelines, the policy statement found at U.S.S.G. § 5K2.19, and finding no reason to depart from the Guidelines range or the policy statement at § 5K2.19, the Court finds that a sentence of 235 months imprisonment is appropriate.

IT IS SO ORDERED.

Dated: December 28, 2005


Thomas J. McAvoy
Senior, U.S. District Judge